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EXAMINER

FLETCHER, JAMES A

ART UNIT PAPER NUMBER

2616

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,060

Applicant(s)

LORD, WILLIAM P.

Examiner

James A. Fletcher

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2 November 2005 have been fully considered but they are not persuasive.

In re page 7, Applicant's Representative states: "Kinney further fails to disclose that a status message is transmitted 'after a predetermined time after no commands have occurred,' as is recited in the claims."

In response, the Examiner notes that the claim recites alternative scenarios as exemplified by the term "or," and as such he is only required to find prior art on one of the alternatives. The Examiner would suggest a claim recitation that would include a periodic status update in addition to an acknowledgement of a status command, rather than the alternative language of the amended independent claims 1, 11, and 16.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9 and 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kinney et al (5,808,662).

Regarding claim 1, Kinney et al disclose a method for synchronizing the video output of a first personal video recorder with at least one second personal video recorder comprising the steps of:

- selecting at a given one of the first and at least one second recorders a common program that resides in memory of each of the recorders (Col 2, lines 9-12 “A system and method is described that allows two or more participants at separate locations to simultaneously view and control the playing of the movie” and Col 3, lines 53-54 “Movie data is transferred to the media files prior to the viewing by the participants”); and
- transmitting a signal from one of the recorders to simultaneously initiate a start sequence for playback of the common program in each of the recorders (Col 2, lines 23-26 “the movie data is played in a synchronized manner at each of the playback systems in accordance with the playback control data”) and
- transmitting a system status signal from the first personal video recorder to the at least one second personal video recorder, wherein the transmission of said status signal is determined based on the occurrence of a command or the lack of a command for a predetermined period of time (Col 5, lines 36-39 “communication between participants takes place by the transfer of a number of data structures, or ‘events’, that are transferred over network 160. Events are also referred to as playback functions.” And Col 5, lines 52-54 “The first data structure is the ‘Play’ event which indicates that playback engines 110, 120 should begin to play the movie” and Col 5, lines 65-67 “A second data structure called ‘stop event’ includes a tag that indicates that a participant wants to stop the playing of a movie” and Col 6, lines 1-3 “A third data

structure called "seek event" includes a tag that indicates that a participant wants to advance to a specific frame within the movie. Seek event further includes a time and a timescale").

Regarding claims 2 and 3, Kinney et al disclose a method for synchronizing the video output of personal video recorders comprising the step of recording at least a portion of a broadcast program on the first and at least one second personal video recorder (Col 3, lines 53-54 "Movie data is transferred to the media files prior to the viewing by the participants")

Regarding claim 4, Kinney et al disclose a method for synchronizing the video output of personal video recorders comprising the step of recording at least a portion of a broadcast program in a personal video recorder (Col 3, lines 53-54 "Movie data is transferred to the media files prior to the viewing by the participants").

Regarding claim 5, Kinney et al disclose a method for synchronizing the video output of personal video recorders wherein the signal is transmitted over the Internet (Col 3, lines 32-34 "In a preferred embodiment, communication channel 160 is a Transport Control Protocol/ Internet Protocol (TCP/IP) or ISDN communication channel").

Regarding claim 6, Kinney et al disclose a method for synchronizing the video output of personal video recorders comprising the step of selecting at least one second personal video recorder having at least one program stored in memory in the at least one second personal video recorder (Fig 2A, blocks 210 and 212 "participant joins

conference and sends 'hello' event" and "'master sends back a 'seek' and optional 'play' event in response to 'hello'").

Regarding claim 7, Kinney et al disclose a method for synchronizing the video output of personal video recorders comprising the step of simultaneously and synchronously viewing the common program in two different locations (Col 3, lines 20-26 "two or more participants will be viewing a movie on different workstations or systems...Accordingly, each participant views a movie at exactly the same rate").

Regarding claim 8, Kinney et al disclose a method for synchronizing the video output of personal video recorders wherein the first personal video recorder is controlled by a remote control device (Col 4, lines 5-6 "GUI 125 provides icons and buttons that allow participants to control the viewing of a movie").

Regarding claim 9, Kinney et al disclose a method for synchronizing the video output of personal video recorders wherein control signals transmitted to the first personal video recorder by the remote control device also controls the at least one second personal video recorders (Col 2, lines 23-26 "the movie data is played in a synchronized manner at each of the playback systems in accordance with the playback control data" and Col 7, lines 1-4 "Each participant in a shared playback session is able to receive input from local graphical user interface 125, external transport controller 180, or event from another participant over the network").

Regarding claim 11, Kinney et al disclose a system for synchronizing the video output of personal video recorders comprising

- at least two personal video recorders having at least one common program stored in memory associated with each of the recorders (Col 2, lines 9-12 "A system and method is described that allows two or more participants at separate locations to simultaneously view and control the playing of the movie" and Col 3, lines 53-54 "Movie data is transferred to the media files prior to the viewing by the participants"); and
- a communication means operatively connected to the recorders for transmitting a signal from one of the recorders to the other recorders to simultaneously initiate a start sequence for playback of the common program in each of the recorders (Col 2, lines 23-26 "the movie data is played in a synchronized manner at each of the playback systems in accordance with the playback control data") and
- transmitting a system status signal from the first personal video recorder to the at least one second personal video recorder, wherein transmission of said status signal is determined based on the occurrence of a command or the lack of a command for a predetermined period of time (Col 5, lines 36-39 "communication between participants takes place by the transfer of a number of data structures, or 'events', that are transferred over network 160. Events are also referred to as playback functions." And Col 5, lines 52-54 "The first data structure is the 'Play' event which indicates that playback engines 110, 120 should begin to play the movie" and Col 5, lines 65-67 "A second data structure called 'stop event' includes a tag that indicates that a participant

wants to stop the playing of a movie” and Col 6, lines 1-3 “A third data structure called “seek event’ includes a tag that indicates that a participant wants to advance to a specific frame within the movie. Seek event further includes a time and a timescale”).

Regarding claim 12, Kinney et al disclose a system for synchronizing the video output of personal video recorders wherein the communications means is an Internet network (Col 3, lines 32-34 “In a preferred embodiment, communication channel 160 is a Transport Control Protocol/ Internet Protocol (TCP/IP) or ISDN communication channel”).

Regarding claim 13, Kinney et al disclose a system for synchronizing the video output of personal video recorders wherein the communication means is a telephone network (Col 3, lines 20-21 “Communication channel 160 can take many forms, including a conventional telephone line”).

Regarding claim 14, Kinney et al disclose a system for synchronizing the video output of personal video recorders comprising a television operatively connected to the personal video recorders (Col 4, lines 7-9 “An additional interlaced video display 120 can also be connected to the media playback engine 110 through a standard video output”).

Regarding claim 15, Kinney et al disclose a system for synchronizing the video output of personal video recorders comprising a remote control device for transmitting control signals to the personal video recorders (Col 4, lines 5-6 “GUI 125 provides icons and buttons that allow participants to control the viewing of a movie”).

Regarding claim 16, Kinney et al disclose an apparatus for synchronizing the video output of personal video recorders wherein each of the first and the second personal video recorder has a common program stored in memory associated therewith (Col 2, lines 9-12 "A system and method is described that allows two or more participants at separate locations to simultaneously view and control the playing of the movie" and Col 3, lines 53-54 "Movie data is transferred to the media files prior to the viewing by the participants"), comprising:

- a control device associated with a processor and operative to transmit a signal from the first personal video recorder to the second personal video recorder for simultaneously initiating a start sequence in each of the first and second personal video recorders (Col 2, lines 23-26 "the movie data is played in a synchronized manner at each of the playback systems in accordance with the playback control data") and
- transmitting a system status signal from the first personal video recorder to the at least one second personal video recorder, wherein transmission of said status signal is determined based on the occurrence of a command or the lack of a command for a predetermined period of time (Col 5, lines 36-39 "communication between participants takes place by the transfer of a number of data structures, or 'events', that are transferred over network 160. Events are also referred to as playback functions." And Col 5, lines 52-54 "The first data structure is the 'Play' event which indicates that playback engines 110, 120 should begin to play the movie" and Col 5, lines 65-67 "A second data

structure called 'stop event' includes a tag that indicates that a participant wants to stop the playing of a movie" and Col 6, lines 1-3 "A third data structure called "seek event' includes a tag that indicates that a participant wants to advance to a specific frame within the movie. Seek event further includes a time and a timescale").

Regarding claim 17, Kinney et al disclose an apparatus for synchronizing the video output of personal video recorders wherein the signal is transmitted over the Internet (Col 3, lines 32-34 "In a preferred embodiment, communication channel 160 is a Transport Control Protocol/ Internet Protocol (TCP/IP) or ISDN communication channel").

Regarding claim 18, Kinney et al disclose an apparatus for synchronizing the video output of personal video recorders wherein the signal is transmitted over telephone lines (Col 3, lines 20-21 "Communication channel 160 can take many forms, including a conventional telephone line").

Regarding claim 19, Kinney et al disclose an apparatus for synchronizing the video output of personal video recorders wherein control signals transmitted to the first personal video recorder by the control device also control the second personal video recorder (Each participant in a shared playback session is able to receive input from local graphical user interface 125, external transport controller 180, or event from another participant over the network").

Regarding claim 20, Kinney et al disclose an apparatus for synchronizing the video output of personal video recorders comprising a television operatively connected


to the first and second personal video recorders (Col 4, lines 7-9 "An additional interlaced video display 120 can also be connected to the media playback engine 110 through a standard video output").

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAF
23 November 2005


James J. Groody
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Art Unit-262 2616